

Application No. 10/711,127
Response dated June 29, 2005
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REMARKS

Claims 1-38 are pending in this application. Claims 1-38 were objected to under 35 USC § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 1-4 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent Numbers 6,820,202 and 6,820,199. Claims 5-38 were rejected based on their dependency on the rejected independent claims 1-4.

Terminal Disclaimers are submitted herewith to overcome the obviousness-type double patenting rejection. Comments regarding the alleged indefiniteness rejection are provided below. All claims are now believed patentable.

Specification

The disclosure was objected to because of the informality that the cross-reference to related applications needed updating.

The specification has been amended to update the cross-reference to related applications.

Double Patenting

Claims 1-4 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-4 of U.S. Patent No. 6,820,202 and U.S. Patent No. 6,820,199, respectively.

As is well established (see MPEP § 804.02), a timely filed Terminal Disclaimer may be used to overcome such a rejection for each patent that is owned by the common assignee of the present patent application and each cited patent.

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Accordingly, applicant submits herewith Terminal Disclaimers on the behalf of First Data Corporation that is the 100% owner and common assignee of the present patent application and each cited patent. The Terminal Disclaimers are directed to the following patents:

U.S. Patent No. 6,820,199

U.S. Patent No. 6,820,202

Applicant also submits herewith a Statement under 37 CFR 3.73(b) for the present application, the statement confirming the 100% ownership interest in the present application by First Data Corporation. The ownership interest in the patents cited in the attached Terminal Disclaimers are recorded at the U.S. Patent and Trademark Office at reel/frame 012672/0340 for U.S. Patent No. 6,820,199 and at reel/frame 009755/0968 for U.S. Patent No. 6,820,202.

Claim Rejections - 35 USC § 112

Claims 1-38 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner indicated that, in claims 1-4, the "decrypting the digital signature" phrases make the claims indefinite and unclear in that neither means/method steps nor interrelationship of means/method steps are set forth in these claims in order to achieve the desired results expressed in the "decrypting digital signature" phrases. Further, it was allegedly not clear when an encryption of the digital signature has taken place in order to have a decryption process conducted.

Claims 5-38 were rejected based on their dependency on the rejected independent claims 1-4.

The rejection is not understood, and is therefore traversed.

First, this particular language regarding "decrypting digital signature" has been previously used, considered, and approved in other cases related to this application, including the parent application now U.S. Patent No. 6,820,202, a sibling continuation application now U.S. No. 6,820,199, and another related application now U.S. Patent No. 6,851,054. All of these

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patents include the same language of "decrypting digital signature." It is thus believed that this language was, and is, clear and not indefinite.

Second, all claims of this application are directed to an account authority digital signature system. The encryption/decryption relationship in a digital signature is described in paragraph 6 of this application as follows: "In a digital signature system, a sender digitally 'signs' the message using a private key (encryption software used to create a digital signature). The receiver validates the sender's digital signature by using the sender's public key (software used to decrypt the digital signature) sent to the receiver by the sender." [Para 6]. Those skilled in the art will necessarily understand the language "decrypting digital signature" necessarily presupposes a prior encryption operation to create the digital signature. It is not believed necessary to incorporate the encryption operation into the claim; encryption is inherent in a digital signature.

It is therefore requested that the rejection be withdrawn.

Since no amendment or modification is being made to the currently pending claims 1-38, a complete listing of claims is not resubmitted herewith in conformance with 37 CFR § 1.121.

In view of the foregoing remarks and submissions, applicant submits that it has responded completely and appropriately to the outstanding Office Action and that the submission of the attached Terminal Disclaimers and related documents places the all claims 1-38 in condition for allowance.

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For the foregoing reasons, it there respectfully requested that the rejection of the claims be withdrawn and that a Notice of Allowance be promptly issued. Such action is courteously solicited. If any issues remain that can be resolved by telephone, the examiner is respectfully requested to contact the undersigned at 404 504 7720.

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